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10/584,511	06/23/2006	Gilles Dubroeucq	034299-000705	4124

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EXAMINER	
ABRISHAMKAR, KAVEH	
ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/584,511	DUBROEUCQ ET AL.	
	Examiner	Art Unit	
	KAVEH ABRISHAMKAR	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,16-18 and 21-23* is/are rejected.

7)☒ Claim(s) *4-15,19,20 and 24-27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/19/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed on June 23, 2006. Claims 1-23 were originally received for consideration. Per the received preliminary amendment, claims 24-27 were added.

2. Claims 1-27 are currently pending consideration.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449, received on 9/19/2006, is attached to this Office action.

Claim Objections

4. Claim 4 is objected to because of the following informalities: 1) in the 5th line of the claim, the term "breakdowning" is used. This should be corrected to read "breaking down." 2) in the 11th line of the claim, the claim reads "parity of i,ing." This is unclear, and is assumed to be a typo. Appropriate correction is required.

5. Claim 5 is objected to because of the following informalities: 1) in the 5th line of the claim, the term "breakdowning" is used. This should be corrected to read "breaking down." Appropriate correction is required.

6. Claim 3 is objected to because of the following informalities: 1) there is no period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 16-18, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamperman (U.S. Patent 5,991,400).

Regarding claim 1, Kamperman discloses:

Access control method controlling access to a broadcast digital dataflow previously scrambled using an encryption key CW transmitted in encrypted form in an entitlement control message ECM also including at least one access control criterion CA, said numeric data possibly being recorded as such in a receiving terminal or decrypted during transfer, characterised in that the method includes the following steps:

on transmission:

generating an entitlement control message R-ECMc for recording the content of the flow as a function of a recording key KRc and at least one criterion CRR defining a right to record (column 5, lines 32-41: *ECM provides control words necessary to receive the signal and record it*),

generating an entitlement control message P-ECMc controlling access to play back the content of the recorded flow as a function of a playback key KPc and at least one criterion CRP defining a right to play back (column 6, lines 15-24: *ECM-R and control words decrypted to allow playback*), and

on reception

analysing the message R-ECMc (column 5, lines 32-41: *ECM provides control words necessary to receive the signal and record it*),and

authorising the recording if the criterion CRR is verified, otherwise prohibiting recording (column 5, lines 32-41: *ECM provides control words necessary to receive the signal and record it*),

analysing the message P-ECMc back (column 6, lines 15-24: *ECM-R and control words decrypted to allow playback*), and

authorising the playback if the criterion CRP is verified, otherwise prohibit the playback back (column 6, lines 15-24: *ECM-R and control words decrypted to allow playback*).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Kamperman discloses:

Method set forth in claim 1, characterised in that the keys CW, KRc and KPc are encrypted by a first service key Ks (column 6, lines 10-24: *wherein the keys and the control words are encrypted by one or more authorization keys*).

Claim 3 is rejected as applied above in rejecting claim 1. Furthermore, Kamperman discloses:

Method set forth in claim 1, characterised in that the keys CW, KRc and KPc are encrypted by three different service keys, namely Kx, Ksr and Ksp respectively (column 6, lines 10-24: *wherein the keys and the control words are encrypted by one or more authorization keys*).

Regarding claim 16, Kamperman discloses:

Access control system controlling access to a digital dataflow including a scrambling platform (2) including at least one generator of entitlement control messages ECM and at least one descrambiing receiver (4) provided with a security processor (14), characterized in that the scrambling platform (2) also includes:

a generator of entitlement control messages R-ECMc when recording the content of the received flow and a generator of entitlement control messages P-ECMc when playing back the content of a recorded flow (column 5, lines 32-41: *ECM provides control words necessary to receive the signal and record it*), and in that the descrambling receiver (4), includes:

means of recovering the ECM channel from P-ECM.sub.c, R-ECM.sub.c messages (column 6, lines 15-24: *ECM-R and control words decrypted to allow playback*),

means of decrypting the content of a received flow to record it (column 6, lines 31-46: *descrambler descrambles the flow*), and

means of decrypting the content of a recorded flow to play it back (column 6, lines 31-46: *descrambler descrambles the flow*).

Claim 17 is rejected as applied above in rejecting claim 16. Furthermore, Kamperman discloses:

System set forth in claim 16, characterised in S that the descrambling receiver (4) also includes means of generating a local key Ki from attributes contained in the R-ECMc message and the identity of the receiving terminal to locally encrypt/decrypt the content of the received flow (column 6, lines 31-46: *descrambler descrambles the flow*).

Regarding claim 18, Kamperman discloses:

Scrambling platform (2) including at least one generator of entitlement control messages ECM controlling access to a dataflow broadcast in scrambled form, characterised in that it also includes a generator of entitlement control messages R-ECMc to control recording the content of a received (column 5, lines 32-41: *ECM provides control words necessary to receive the signal and record it*) and a generator of entitlement control messages P-ECMc to control play back the content of a recorded flow (column 6, lines 15-24: *ECM-R and control words decrypted to allow playback*).

Regarding claim 21, Kamperman discloses:

Descrambling receiver (4) of a dataflow broadcast in scrambled form using a scrambling key CWi including a security processor including at least one key KRc

intended to descramble record entitlement control messages R-ECMc and at least one key KPc intended to descramble the play back entitlement control messages P-ECM.sub.0, receiver characterised in that it includes:

means of recovering the ECM channel from P-ECMc messages, and R-ECMc messages from the signal attached to the service broadcasting the content (column 6, lines 15-24: *ECM-R and control words decrypted to allow playback*),

means of decrypting messages R-ECM c using the record key KRc to verify the right to record the content of a received flow it (column 6, lines 31-46: *descrambler descrambles the flow*),

means of decrypting messages P-ECMc using the key KPc to verify the right to play back the content of a recorded flow it (column 6, lines 31-46: *descrambler descrambles the flow*).

Claim 22 is rejected as applied above in rejecting claim 21. Furthermore, Kamperman discloses:

Receiver set forth in claim 21, characterized in that it also includes means of generating a local key KI from attributes contained in the receiver identity message R-ECM and locally decrypt the content of the received flow it (column 6, lines 31-46: *descrambler descrambles the flow*).

Claim 23 is rejected as applied above in rejecting claim 21. Furthermore, Kamperman discloses:

Receiver set forth in claim 21, characterised in that the security processor is a smart card (column 2, lines 40-41: *security device is a smart card*).

Allowable Subject Matter

Claims 4-15, 19-20, and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaveh Abrishamkar/
Primary Examiner, Art Unit 2431

/K. A./
02/20/2009
Primary Examiner, Art Unit 2431